

REMARKS

Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims. Applicants also reserve the right to prosecute the subject matter of non-elected claims in subsequent divisional applications.

In the Restriction Requirement, the Examiner requested Applicants to elect one of the following inventions:

Group 1 (claims 1-7, 9, 11, 16, 17, 19, 22, and 26) drawn to a polypeptide having SEQ ID NO:1, the method of making the polypeptide to include the polynucleotide having SEQ ID NO:44, vector, host cell, and recombinant techniques, and methods of using the polypeptide in screening assays.

Groups 2-39 (claims 1, 2, 16, and 17) drawn to polypeptide having SEQ ID NO:2-43, respectively.

Groups 40-77 (claims 3-7, 9, and 11) drawn to nucleic acid encoding polypeptide having SEQ ID NO:2-43, respectively.

Groups 78-116 (claim(s) 8) drawn to transgenic organism comprising nucleic acid encoding polypeptide having SEQ ID NO:1-43, respectively.

Groups 117-154 (claim(s) 10) drawn to antibody against polypeptide having SEQ ID NO:1-43, respectively.

Groups 155-193 (claims 13 and 15) drawn to methods of detecting nucleic acid encoding polypeptide having SEQ ID NO:1-43, respectively.

Group 194-231 (claim(s) 27) drawn to a method of altering the expression of nucleic acid encoding polypeptide having SEQ ID NO:1-43, respectively.

Group 232-269 (claim(s) 231) drawn to a method of assessing toxicity via use of nucleic acid encoding polypeptide having SEQ ID NO:1-43, respectively.

Group 270-306 (claims 19, 22, and 26) drawn to a method of screening agonists and antagonists of polypeptide having SEQ ID NO:2-43, respectively.

Applicants gratefully thank the Primary Patent Examiner Karen Cochrane Carlson and the Supervisory Patent Examiner Christopher Low for their time and consideration given during the telephone interview prior to Applicants filing this response. In the telephone interview on June 3 2003, the Examiner agreed to rejoin the protein having SEQ ID NO:41, its encoding nucleic acid SEQ ID NO:84, methods of making and methods of using SEQ ID NO:41 in the fashion of current restricted Group 1 drawn to SEQ ID NO:1.

Applicants hereby elect, with traverse, to prosecute Group 37, Group 75, and Group 304, comprising Claims 1-7, 9, 11, 16, 17, 19, 22, and 26, drawn to polypeptide having SEQ ID NO:41, encoding nucleic acid, methods of making, and methods of using. Further, Applicants respectfully submit that there is minimal additional burden on the Examiner to examine antibodies against SEQ ID NO:41. Applicants request the Examiner to reconsider rejoinder of antibodies against SEQ ID NO:41 upon allowance of the protein claims.

CONCLUSION

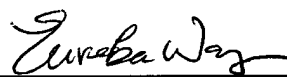
In light of the above amendments and remarks, Applicants submit that the present application is fully in condition for allowance, and request that the Examiner withdraw the outstanding objections/rejections. Early notice to that effect is earnestly solicited.

If the Examiner contemplates other action, or if a telephone conference would expedite allowance of the claims, Applicants invite the Examiner to contact the undersigned at the number listed below.


Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. **09-0108**.

Respectfully submitted,
INCYTE CORPORATION

Date: June 13, 2003


Yu-Mei Eureka Wang, Ph.D.
Reg. No. 50,510
Direct Dial Telephone: (650) 621-8740

Date: 13 June, 2003


Cathleen M. Rocco
Reg. No. 46,172
Direct Dial Telephone: (650) 845-4587

Customer No.: 27904
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555
Fax: (650) 849-8886